

OLL 85-0662
7 February 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Hearings Before the House Foreign Affairs Committee,
Subcommittee on Asian & Pacific Affairs, re Murder
of Henry Liu, Taiwanese-American Citizen, 15 October
1984

1. The Subcommittee convened at 1:30 p.m., on
7 February 1985, in Room 2172 Rayburn, to hold hearings on
the murder of Henry Liu, an American citizen of Chinese
descent, in Daly City, California, on 15 October 1984. The
following Members of the Subcommittee were present:

Stephen J. Solarz, Chairman (D., NY)
Mervyn Dymally (D., NY)
Robert G. Torrecelli (D., NJ)
Tom Lantos (D., CA)*

James Leach, Ranking Minority Member (R., IA)
Douglas K. Bereuter (R., NE)
Gerald B. H. Solomon (R., NY)
Toby Roth (R., WI)

Witnesses:

The Hon. Norman Y. Mineta, Member of Congress**
The Hon. William Brown, Deputy Assistant Secretary
of State for East Asian and Pacific Affairs
Mrs. Helena Liu, widow of Henry Liu
Professor Michael Glennon, University of Cincinnati
Law School, formerly Legal Counsel for the Senate
Foreign Relations Committee.

*Mr. Lantos is not a Member of the Subcommittee, but was
invited because Mrs. Liu resides in his Congressional
district.

**Mr. Mineta was invited to testify because he is the most
senior House Member of Asian ancestry.

In Mr. Solarz' opening statement he stated that the
purpose for the hearings was to determine whether:

a) the relevant agencies of the Executive Branch have
acted properly in trying to secure justice for Henry Liu, by
mounting a vigorous investigation and taking appropriate
diplomatic steps;

b) the murder of Henry Liu was an isolated incident or
only the most visible manifestation of a consistent pattern
of acts of intimidation or harassment; and

c) the existing legal framework for restricting illegitimate foreign agent activity is strong enough, or is new legislation required to better protect the rights of people within the territorial boundaries of the United States.

A copy of Mr. Solarz' opening statement is attached.

Mr. Leach read portion of his opening statement, stating that the Congress expects the Taiwanese Government to cooperate fully with the State Department and FBI officials and failure to provide cooperation may force the Congress and the Executive Branch to consider sanctions against Taiwan, e.g., a cut-back in the number of CCNAA (Taiwan's Coordination Council for North American Affairs) in the United States, a withdrawal of all Taiwanese Government personnel who may be part of the intelligence services implicated in ordering the murder (of Henry Liu).

Mr. Solomon took note of all the criticisms being leveled against Taiwan, whose government is friendly to the United States, that he was not in sympathy with the undue criticism of our allies: Taiwan, South Korea, the Philippines or many of our other friends; that no one criticizes the KGB here in Washington or at the United Nations and elsewhere throughout the country. "I would like to try to change the tone here." He went on to say that it was being implied (at the Hearings) that the Taiwanese Government was not cooperating, but that he found they were going out of their way to cooperate.

Mr. Mineta, the first witness, began by commenting on the murder of a Mr. Chen in Michigan and now the murder of Mr. Henry Liu and implied a pattern of discrimination against Americans of Asian ancestry in that their basic rights were being violated and no apparent concern or action by the Reagan Administration. He said that if a Polish-American journalist were murdered in the United States by Polish agents, the national outcry would be enormous, and the issue would be raised at the highest levels. He cited a letter he had written to Attorney General Smith about the murder of the Taiwanese-American in Michigan stating that he believed this Administration was not concerned with the most basic of human rights of citizens. Mr. Mineta was not pleased with the form-letter response from the Attorney General which simply acknowledged receipt of his letter.

In concluding his remarks, Mr. Mineta emphasized his deep concern with what was the apparent freedom of agents of foreign governments to seek out and terrorize foreign nationals (in the U.S.)--agents come here, do their dirty work, and run back to their country where they claim protection of the foreign nation's laws for behavior that dishonors that nation.

He will ask the House Permanent Select Committee on Intelligence to begin an intense investigation of this whole matter.

Mr. Solarz responded that State Department has requested the Taiwanese Government to return the individuals; and the FBI conducted a vigorous investigation of the murder. What precisely would he like to have the Administration do that has not already been done with respect to this murder? Mr. Mineta said he wanted the three individuals interviewed (from Military Intelligence of the Ministry of Defense). Mr. Solarz said he was not prepared to reach the conclusion that this (murder) is a "consistent pattern of treatment of Asian-Americans." Mr. Leach commented that it might be premature to call for ending of arms sales.

Mr. Lantos asked that in light of Mr. Mineta's service on the Intelligence Committee could he shed some light on the rationale for the assassination of Mr. Liu: could his writings have had an impact? Mr. Mineta said he did not think he was in a position to indicate what the rationale might have been and, frankly, even though the Intelligence Committee had material and he looked at it over a period of time while serving on the (HPSCI) he was not sure he was able to indicate if it existed. Mr. Roth thanked Mr. Mineta for his testimony, but added that he failed to see any connection between the murder of Mr. Chen and Mr. Liu.

Mr. Mineta closed by saying that he himself, when he was ten and one-half years of age, was put in a detention camp in 1942 and felt very strongly about this issue (of discrimination against Asian-Americans).

The next witness, The Honorable William Brown, Deputy Assistant Secretary of State for East Asian and Pacific Affairs, provided non-confidential information on the State Department's involvement with the Taiwan Government (based on requests from the FBI). Mr. Brown said he might not respond to a number of things since what he might say would be repeated in the press. He did not wish to say anything that might prejudice an ongoing investigation and any possible prosecutions that may occur within the United States. He further said, with the indulgence of the Subcommittee, that he proposed not to allude to, confirm or deny, names of any of the suspects in the American investigation of the case, and that any such questions be directed to law enforcement officials investigating the case. This was followed by a number of questions posed to Mr. Brown on cooperation from the Taiwan Government, and extradition treaties (none between USG and Taiwan).

Mrs. Henry Liu, the widow of the murdered man, was accompanied by her attorney and also a Professor Lee Chiu Wong(?), provided information on her late husband and his writings about President Chiang; she believed her husband was killed by the Government of Taiwan. Mrs. Liu was asked whether her husband had visited Mainland China (Answer: four times--1975, 1980, 1981 and 1984, and met with officials of the PRC. Another question from Mr. Lantos: Did he publish a book in the PRC? Answer: Yes. It was brought out that Henry Liu had not visited Taiwan in 16 years and was not afraid in the U.S. that anything might happen to him. Mr. Torricelli, who had arrived late in the meeting, asked whether Mr. Liu had been compensated for his writings by any foreign government. Answer: No, supported himself by family business.

At approximately 4:15 p.m., and following the conclusion of Mrs. Liu's testimony, Mr. Solarz announced that the Subcommittee would now take up his Substitute for the Amendment to H. Res. 49 offered by Mr. Solomon. (It appeared Mr. Solarz had overlooked the fact that Mr. Glennon, the fourth witness, had not yet testified. The Subcommittee spent about twenty minutes on re-working the Substitute Amendment.

Mr. Leach then suggested the Subcommittee adjourn due to the lateness of the hour. Mr. Solarz agreed, but it was at this point it was brought to his attention that Mr. Glennon was still waiting to appear as a witness. (At this point, however, Messrs. Lantos, Leach, Torricelli, Roth and Solomon left the hearing room. Messrs. Lantos and Solomon returned at the conclusion of Mr. Glennon's statement.)

Mr. Glennon thanked the Committee for inviting him to appear and read his prepared statement (a copy of which is attached), in which he alleged that foreign intelligence agencies--including those of Taiwan--have conducted extensive harassment, intimidation, and surveillance of U.S. residents; that the U.S. intelligence community has known for some time that these acts have been taking place. Pro forma protests made, but liaison relationships continue. That if the Subcommittee "is serious about getting to the bottom of this, then it must look carefully and purposefully at the whole gamut of relevant liaison relationships." He proposed, inter alia, that the Administration "impose a prohibition against direct and indirect participation in and encouragement of activities that our own agencies are forbidden to conduct" and "would 'task' the CIA, FBI and NSA to gather intelligence actively about those foreign agencies reasonably believed to be engaged in acts of harassment, intimidation, or surveillance within the United States."

At the conclusion of Mr. Glennon's remarks, Mr. Solarz commented that he, Mr. Glennon, had provided some "interesting thoughts on the subject and that the Subcommittee would carefully consider them." He then asked Mr. Glennon, considering his experience in following the course of foreign intelligence activities and based on the knowledge available to him, did he think the situation has changed. Mr. Glennon said although he left the SFRC staff five years ago it is his impression of the situation that the present situation has not changed a lot. When asked what countries he thought the Subcommittee should look at, Mr. Glennon responded, "Again, I am not revealing classified information, I think the countries would be Taiwan, Yugoslavia and, to an extent, the Philippines. I might say the Library of Congress, the Congressional Research Service, retains a clipping service on this subject that could be very useful. You should ask them to compile the clippings--to determine what countries should be targeted."

Mr. Solarz then asked what the Subcommittee should do "if the Administration genuinely believes it does not have evidence to justify this conclusion. There is a difference, he said, between allegations and proof--particularly if (the Administration) believes the foreign government is initiating standards--in order to justify implementation of penalties. They do not have conclusive evidence that there is a consistent pattern of harassment...." Mr. Glennon suggested that Executive Branch representatives should be called before the Subcommittee to show there is no conclusive evidence. Mr. Solarz said the FBI--in their view--there is no foreign intelligence activity that can be characterized as systematic harassment or intimidation. If they did, would there be any justification for the legislation you suggest? To which Mr. Glennon responded that he thought the Congress can itself come to that conclusion "if you take the conclusion reached by the Administration--this Subcommittee itself can look to see whether it supports the conclusion."

Mr. Solarz suggested that as a practical matter, it would be almost impossible to persuade the Congress they (the foreign intelligence agencies) are engaging in such a pattern if the intelligence agencies say they have no evidence to that effect. "We have to rely on their judgment." Mr. Glennon commented, "in that case the approach is a dead-end stone."

Mr. Solarz asked "Do the intelligence agencies allocate resources to determine if foreign intelligence services are involved? Mr. Glennon said that he could not go into the subject in open session.

At this point, Mr. Solomon submitted for the record an article printed in the Wall Street Journal on December 26, 1984, which was relevant to the matter at hand.

Mr. Solarz concluded by saying to Mr. Glennon that he made some serious suggestions which the Subcommittee would take a close look at and take up with leaders in the Government.

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Attachments

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